IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 20608 of 2004

Between:

Sri. P. Jacobson,

S/o. Late P.B. Sundara Rao,
R/o. C/o. N. Nageswar Rao,

Chenchul Colony Road,

Gannavaram (PO)

Gannavaram Mandal,

Krishna District - 521 101,

Andhra Pradesh

..... PETITIONER

AND

1. The Andhra Pradesh

   Meat Development Corporation Limited,
   Represented by its Managing Director,
   Office : 10-2-289/127,

   Shanthinagar, Hyderabad - 500 028.

2 The General Manager,

   Bacon Factory, Gannavaram,
   Krishna District, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction preferably a Writ in the nature of Mandamus : a) to direct the 1st Respondent to withdraw the Order bearing Proc. No. 1799/E2/98, dated 31-01-2002 dismissing the Petitioner from Service and To declare that the action of the 1st Respondent as arbitrary, illegal, unconstitutional and malicious. b) To Order and Director the 1st Respondent to pay of the petitioner half month's Salary as Subsistence Allowance from February, 2002 and to direct the1st Respondent to reinstate the petitioner.

Counsel for the Petitioner: MR.A.RAJESH

Counsel for the Respondents: MR.G.PRABHAKAR REDDY

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20608 of 2004

ORDER

None appeared for the petitioner on 23-11-2004 and therefore the matter was posted for orders today. Today also none appears for the petitioner.

2. The present writ petition is filed challenging the dismissal order passed by the 1st respondent-Corporation, in proceedings No.1799/E2/98, dated 31-01-2002.

3. As seen from the allegations made in the writ petition, the petitioner was placed under suspension, due to financial irregularities, with effect from 26-09-1998, pending enquiry. The Enquiry Officer was appointed, specific charges of financial irregularities had been framed for which the petitioner had given his explanation. Thereafter, a regular departmental enquiry was conducted. The petitioner also submitted the written statement. After due enquiry and after giving reasonable opportunity, first respondent dismissed the petitioner from service by the impugned proceedings.

4. As seen from the grounds, the petitioner is facing difficulty to make both ends meet and he is facing hardship because of the action of the 1st respondent. Hence, the present writ petition is filed to withdraw the orders dated 31-01-2002.

5. The order of the disciplinary authority is under challenge. It is not the case of the petitioner that the principles of natural justice have been violated and also not the case of the petitioner that the relevant evidence has not been taken into consideration by the disciplinary authority at the time of passing the impugned proceedings. It is also not the case of the petitioner that he was not allowed to adduce any evidence in the departmental proceedings and so it is also not the case of the petitioner that by complying with the wrong provisions of law, the disciplinary authority came to a wrong conclusion. The scope of judicial review is very much circumscribed. The only grievance of writ petitioner is that while criminal case is pending, he was dismissed from service. It is well settled that pendency of criminal case is not a bar in proceeding against the writ petitioner to take disciplinary action. Further, it is not shown that evidence to be let in both criminal case and departmental enquiry is one and the same.

6. Unless the case of the petitioner falls in any one of the grounds mentioned above, the petitioner is not entitled to any relief. In the absence of those allegations, the writ petition is liable to be dismissed as devoid of

merits.

7. The writ petition is accordingly dismissed at the stage of admission. There shall be no order as to costs.

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November 29, 2004

Kvr

To

1. The Andhra Pradesh

Meat Development Corporation Limited,
Represented by its Managing Director,
Office : 10-2-289/127,

Shanthinagar, Hyderabad - 500 028.

2 The General Manager,

Bacon Factory, Gannavaram,
Krishna District, Andhra Pradesh.

3 Two C.D. Copies.